

REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

In the Final Office Action, the Examiner rejected claims 1-8, 28, 30-32, and 57. Claims 1, 5, 10, 28, and 34 have been amended, herein, without intending to abandon or publicly dedicate any patentable subject matter, to present the subject matter regarded as a claimed embodiment of the invention, in condition for allowance. Claims 2-4, 9, 16-27, 33 and 40-57 have been canceled, herein, without prejudice or disclaimer for the sake of expediency. Applicant intends to properly prosecute them in a continuing application. As such, claims 1, 5-8, 10-15, 28, 30-32 and 34-39 are currently pending.

ELECTION/RESTRICTIONS

Claims 16-27 and 40-56 are drawn to an invention non-elected with traverse in the reply filed on 10/18/2005. In compliance with 37 CFR 1.144, Applicant has herein canceled these non-elected claims without prejudice or disclaimer and reserves the right to properly prosecute them in a continuing application.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of allowable subject matter in the application is gratefully acknowledged. The Examiner stated, "Claims 9-15 and 33-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Applicant has herein amended independent claim 1 to include all the limitations of claims 2, 3, 4 and allowable subject matter of claim 9. Applicant has also herein amended independent claim 28 to include all the limitations of allowable subject matter of claim 33. Thus, it is respectfully submitted that claim 1 and claim 28 are patentable over the cited art for reasons stated by the Examiner. Furthermore, Applicant has herein amended claims 5 and 10 to properly depend from claim 1, and claim 34 to depend from

claim 28. As such, Applicant believes that independent claim 1, dependent claims 5-8 and 10-15, independent claim 28 and dependent claims 30-32 and 34-39 are patentable over the cited art and in condition for allowance. Applicant respectfully requests that the Examiner allow pending claims 1, 5-8, 10-15, 28, 30-32 and 34-39.

REJECTION OF CLAIMS 1-8, 28, 30-32, and 57 UNDER 35 USC §102(b)

In the Office Action, the Examiner rejected claims 1-8, 28, 30-32, and 57 under 35 U.S.C. 102(b) being anticipated by U.S. Pat. No. 1,604,958 (Bayles). Applicant has herein canceled claims 2-4 and amended claim 1 with the limitations of these claims and the allowable subject matter of claim 9. Independent claim 28 has been amended, herein, to include the allowable subject matter of claim 33. Furthermore, Applicant has herein canceled claim 57 without prejudice or disclaimer and reserves the right to properly prosecute the subject matter in a continuing application. Applicant respectfully requests the Examiner withdraw the 35 U.S.C. 102(b) rejections of claims 1, 5-8, 28 and 30-32 as these claims are considered to be in condition for allowance.

In view of the foregoing discussion all objections and rejections are believed overcome, and Applicant respectfully requests that all rejections be withdrawn and pending claims 1, 5-8, 10-15, 28, 30-32 and 34-39 be allowed.

OTHER CITED REFERENCES


The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance for this application is respectfully requested from the Examiner. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite the allowance of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant believes that a two-month extension fees are due in connection with this filing. Applicant hereby petition for an extension of time which may be required to maintain the pendency of this case, and for any required fee for such extension or any further fee required in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge any required fees not included with this paper directly to the credit card indicated in the attached Credit Card Payment form PTO-2038. In any case, it is requested that the Commissioner notify Applicant of any payment due that is not otherwise paid with this letter.

Respectfully submitted,
Bay Area Intellectual Property Group, LLC


Ariel Bentolila
Registration No. 52,614

BAY AREA INTELLECTUAL PROPERTY GROUP, LLC

P.O. Box 210459
San Francisco CA, 94121-0459
Telephone (415) 515-3005